IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

LEHTOVIRTA et al. Atty. Ref.: 2380-207; Confirmation No. 5814

Appl. No. 09/778,960 TC/A.U. 2617

Filed: February 8, 2001 Examiner: Iqbal, Khawar

For: METHOD AND APPARATUS FOR RELEASING CONNECTIONS IN AN ACCESS NETWORK

* * * * * * * * * * * *

August 20, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR RECONSIDERATION

In response to the Official Action dated June 5, 2009, Applicants respectfully request reconsideration and allowance.

All pending claims 1-10, 14-18, 20-38, and 40-45 stand rejected for obviousness based on Gomez and newly-applied Tamura. This rejection is respectfully traversed.

Gomez describes a base station 106 connected to communication servers 114, 116, 118 by a corresponding number of communication links 128. If one or more of the links fail, which Gomez states at col. 4, lines 50-52 includes "circuit data circuit" faults, the serving base station uses a base mobile radio 210 to scan one or more neighbor cells 108-113 to determine their current service status. The serving base station broadcasts a fault message along with the

updated neighbor cell information to mobile stations 102 in its cell which allows the mobile stations to choose the most appropriate cell for the desired communication activity.

Gomez lacks "sending a message to a radio access network node identifying the one or more identified mobile radio subscriber unit connections." The Examiner relies to col. 4, line 40-col. 5, line 24 of Gomez. First, in order to understand the basis of the Examiner's rejection, Applicant requests confirmation that the Examiner is mapping the claimed radio access network node onto a base station in Gomez.

Second, where does Gomez disclose a message that **identifies the established** mobile radio subscriber unit connections **specifically** being handled by the failed data processing circuit? Gomez's base station broadcasts a fault condition exists message and a service status message indicating which communications services—not specific mobile radio subscriber unit connections—the base station provides are affected by the fault condition over the radio interface to all mobile radios within range of the base station's broadcast. Although Gomez's neighbor cell list is identifies neighboring base stations or cells, Gomez's neighbor cell list does not specifically identify mobile connections affected by the fault. The Examiner never addresses this deficiency.

Third, where does Gomez describe that this claimed message is sent to the base station (presumably mapped by the Examiner to the radio access network node)? The text relied on by the Examiner describes the base station sending a broadcast rather than the base station receiving a message. In fact, the office action states in the parenthetical in the middle of page 3: "since, base station sends …." Claim 1 recites that the message is sent to the RAN node which in Gomez is the base station and not the other way around as the Examiner states.

Fourth, regarding the claim language "wherein the radio access network node is used to establish one or more radio access bearers associated with the one or more identified mobile radio subscriber unit connections," the Examiner relies on Tamura. Tamura describes temporary user identifiers in the context of handover and is not at all related to the problems address in Gomez. So Applicants disagree with the Examiner's contention that Tamura is in an analogous art of Gomez.

Fifth, the paragraphs cited by the Examiner simply describe base station controller messages used to set up a radio bearer for a hard or soft handover [2595]. Tamura's base station controller is the radio access network node is used to establish one or more radio access bearers, but the radio access network node is presumably mapped to Gomez's base station. So it is unclear what modification the Examiner is proposing in Gomez using Tamura and how that modification would describe what is recited in the independent claims.

Sixth, regarding claims 34 and 43, the office action does not address the features added by amendment relating to the claimed core network node which is distinct from the claimed RAN node and the claimed mobile stations. The Examiner is requested to identify by reference numeral the node in Gomez that is mapped to the claimed core network node and the node in Gomez that is mapped to the claimed RAN node.

Lacking multiple features from independent claim 1, the obviousness rejection of claim 1 based on Gomez and Tamura is improper and should be withdrawn.

The Examiner never addressed the arguments and distinctions set forth in Applicants last response with respect to dependent claims 3, 6, and 7.

In claim 3, where does Gomez teach "maintaining one or more mobile radio subscriber connections not determined to be handled by the failed data processing circuit"? Once the fault

in the link is detected, the serving cell in Gomez does not maintain mobile connections. See Figure 4 blocks 406, 408, 416, and 412. It is not understood how the Examiner is construing col. 4, lines 51-67 and claim 1 in Gomez to teach this claim feature.

Claim 6 recites "generating a list identifying the one or more mobile radio subscriber units and one or more mobile radio subscriber unit connections affected by the failed data processing circuit no longer functioning, and wherein the message sent to the radio access network node includes the list." The Examiner refers to col. 3, line 60-col. 4, line 10. But this text deals with a neighbor cell list that "comprise[s] information such as the cell identification number, what frequency the cell is operating on, and which communication services are provided by the cell, for each neighbor cell detected." Col. 4, lines 5-8. No where in the cell list information are mobile radio subscriber units or mobile radio subscriber unit connections identified—let alone mobile radio subscriber units and connections affected by the failed data processing circuit no longer functioning. As explained above, the neighbor cell list in Gomez is broadcast over the radio interface to the mobile radios (RAN node→MSs)—it is not sent to the claimed radio access network node (→RAN node) as recited in the claim.

Claim 7 recites "sending a list to the radio access network node identifying the one or more mobile radio subscriber units affected by the failed data processing circuit no longer functioning without identifying mobile radio subscriber unit connections, and the radio access network node releasing all subscriber unit connections associated with the one or more mobile radio subscriber units in the list." The Examiner relies on essentially the same subject matter as for claim 6 and col. 2, lines 38-64. Again, the list in Gomez is of operational, neighboring base station cells—not "one or more mobile radio subscriber units affected by the failed data processing circuit." And again, the neighbor cell list in Gomez is broadcast over the radio

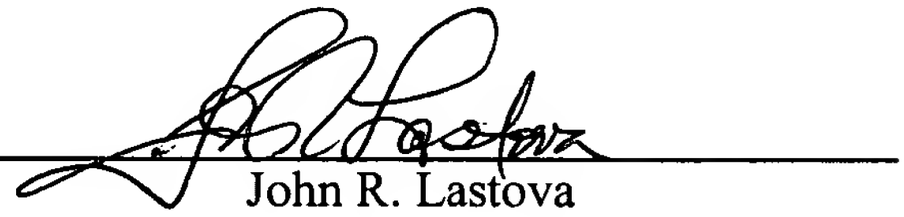
interface to the mobile radios—it is not sent to the claimed radio access network node. The Examiner never addresses this deficiency.

Ramaswamy does not overcome the deficiencies in Gomez and Tamura.

The application is now in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
John R. Lastova
Reg. No. 33,149

JRL:maa
901 North Glebe Road, 11th Floor
Arlington, VA 22203
Telephone: (703) 816-4000
Facsimile: (703) 816-4100